IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

Bail Appl..No. 5307 of 2007()

CMP.2979/2007 of J.M.F.C.-II, CHENGANNUR
CRIME NO.230/06 OF CHENGANNUR EXCISE RANGE

.....

: PETITIONER/ACCUSED

RAJAN NAIR, S/O. KUNJUPANICKAN,
NILAVARASSERIL RAJA MANDIRAM, BUDHANUR PADINJARU MURI, ENNAKKAD VILLAGE, CHENGANNUR.

BY ADV. SRI.S.PRAKASH

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/09/2007, THE COURT ON 09/07/2007 PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5307 of 2007

Dated this the 7th day of September 2007

O R D E R

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. He was allegedly found to be in possession of 20 litres of arrack on 11/12/2006. The petitioner was produced and arrest recorded in this case on 03/08/2007. He continues in custody from that date. The learned Public Prosecutor submits that the petitioner has other cases under the Kerala Abkari Act and under the I.P.C against him. The application is opposed by the learned Public Prosecutor.

2. In the wake of the opposition by the learned Public Prosecutor, regular bail can be granted to the petitioner only if this court is in a position to entertain the twin satisfactions under Section 41A of the Kerala Abkari Act. I do not find any circumstances which can persuade this court to entertain either of those two satisfactions at the moment. I am satisfied that this petition deserves to be dismissed now.

3. In the result, this petition is dismissed. I may hasten to observe that the petitioner shall be at liberty to move this court or the learned Sessions Judge for bail at later stage of the investigation, not at any rate, prior to 15/09/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007